

02/02/01  
JC976 U.S. PTO

02-05-01

ARE

Please type a plus sign (+) inside this box →



PTO/SB/50 (08-00)

Approved for use through 12/30/2000. OMB 0651-0033

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## REISSUE PATENT APPLICATION TRANSMITTAL

Address to: <b>Assistant Commissioner for Patents Box Patent Application Washington, DC 20231</b>	Attorney Docket No.	46739/252388
	First Named Inventor	Bryan
	Original Patent Number	5,865,846
	Original Patent Issue Date (Month/Day/Year)	February 2, 1999
	Express Mail Label No.	EL602996324US

APPLICATION FOR REISSUE OF:  
(check applicable box)

☒ Utility Patent

☐ Design Patent

☐ Plant Patent


### APPLICATION ELEMENTS (37 CFR 1.173)


1. ☒ \* Fee Transmittal Form (e.g., PTO/SB/56)  
(Submit an original, and a duplicate for fee processing)
2. ☒ Applicant claims small entity status. See 37 CFR 1.27.
3. ☒ Specification and Claims in a double column copy of patent format (amended, if appropriate)
4. ☒ Drawing(s) (proposed amendments, if appropriate)
5. ☒ Reissue Oath / Declaration (original or copy)  
(37 C.F.R. § 1.175)(PTO/SB/51 or 52)
6. Original U.S. Patent currently assigned?  
☒ Yes ☐ No  
  
(If Yes, check applicable box(es))  
  
☒ Written Consent of all Assignees (PTO/SB/53)  
  
☒ 37 C.F.R. § 3.73(b) Statement (PTO/SB/96) ☐ Power of Attorney

### ACCOMPANYING APPLICATION PARTS

7. ☒ Statement of status/support for all changes to the claims. See 37 CFR 1.173(c).
8. ☐ Original U.S. Patent for surrender  
☐ Ribbioned Original Patent Grant  
☐ Statement of Loss (PTO/SB/55)
9. ☐ Foreign Priority Claim (35 U.S.C. 119)  
(if applicable)
10. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
11. ☐ English Translation of Reissue Oath/Declaration  
(if applicable)
12. ☒ Preliminary Amendment
13. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
14. ☒ Other: Certificate of Mailing Under 37 C.F.R. §1.10; Assignment


### 14. CORRESPONDENCE ADDRESS

<input checked="" type="checkbox"/> Customer Number or Bar Code Label				or <input type="checkbox"/> Correspondence address below	
(Insert Customer No. or Attach bar code label here)					
23370					
Name	John S. Pratt Kilpatrick Stockton LLP				
Address	1100 Peachtree Street Suite 2800				
City	Atlanta	State	GA	Zip Code	30309
Country	USA	Telephone	404.815.6500	Fax	404.815.6555

NAME (Print/Type)	Bruce D. Gray	Registration No. (Attorney/Agent)	35,799
Signature		Date	02/02/01

Burden Hour Statement This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REISSUE APPLICATION FEE TRANSMITTAL FORM						Docket Number (Optional) 46739/252388		
Claims as Filed - Part 1								
Claims in Patent	For	Number Filed in Reissue Application	(3) Number Extra	Small Entity		Other than a Small Entity		
				Rate	Fee	Rate	Fee	
(A) 9 (C) 4	Total Claims (37 CFR 1.16(j)) Independent Claims (37 CFR 1.16(i))	(B) 16 (D) 4	**** 0 = * 1 =	X\$9= X\$40=	0 40	or	X\$ = X\$ =	
Basic Fee (37 CFR 1.16(h))					355	OR	\$	
Total Filing Fee					395		\$	
Claims as Amended - Part 2								
	(1) Claims Remaining After Amendment		(2) Highest Number Previously Paid For	(3) Extra Claims Present	Small Entity		Other than a Small Entity	
					Rate	Fee	Rate	Fee
Total Claims (37 CFR 1.16(j))	***	MINUS	**	=	X\$ =	or	X\$ =	
Independent Claims (37 CFR 1.16(i))	***	MINUS	*****	=	X\$ =		X\$ =	
Total Additional Fee					\$	OR	\$	
<p>* If the entry in (D) is less than the entry in (C), Write "0" in column 3. ** If the "Highest Number of Total Claims Previously Paid For" is less than 20, Write "20" in this space. *** After any cancellation of claims **** If "A" is greater than 20, use (B - A); if "A" is 20 or less, use (B - 20). ***** "Highest Number of Independent Claims Previously Paid For" or Number of Independent Claims in Patent (C).</p> <p><input checked="" type="checkbox"/> Applicant claims small entity status. See 27 CFR 1.27.</p> <p><input checked="" type="checkbox"/> Please charge Deposit Account No. <u>11-0855</u> in the amount of <u>\$395</u>. A duplicate copy of this sheet is enclosed.</p> <p><input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees under 37 CFR 1.16 or 1.17 which may be required, or credit any overpayment to Deposit Account No. <u>11-0855</u>. A duplicate copy of this sheet is enclosed.</p> <p><input type="checkbox"/> A check in the amount of \$ _____ to cover the filing / additional fee is enclosed.</p> <p><input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.</p> <p><b>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on form PTO-2038.</b></p> <p>02/02/01 Date</p> <p> Signature of Applicant, Attorney or Agent of Record</p> <p>Bruce D. Gray Typed or printed name</p>								

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Bryan et al. PATENT NO. 5,865,846

SERIAL NO.: GROUP ART UNIT:

FILED: February 2, 2001 EXAMINER:

FOR: HUMAN SPINAL DISC PROSTHESIS

ATTORNEY DOCKET NO.: 46739/252388

Assistant Commissioner for Patents  
Washington, D.C. 20231

DATE: February 2, 2001

## ASSENT OF ASSIGNEE AND OFFER TO SURRENDER ORIGINAL PATENT

Sir:

Spinal Dynamics Corporation, the owner of the entire right, title, and interest in U.S. Patent No. 5,865,846 by virtue of an assignment recorded in the U.S. Patent and Trademark Office at reel no. \_\_\_\_\_, frame \_\_\_\_\_, or attached hereto as a copy.

Spinal Dynamics Corporation hereby offers to surrender original U.S. Letters Patent No. 5,865,846 conditioned upon the reissue of said Letters Patent.

The undersigned is authorized to act on behalf of Spinal Dynamics Corporation.

SPINAL DYNAMICS CORPORATION

February 2, 2001

By: Name: Earl DouglasTitle: Chief Patent Counsel

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Bryan, et al. Patent No. 5,865,846  
Serial No.: Examiner:  
Filed: February 2, 2001 Group Art Unit:  
For: **HUMAN SPINAL DISC PROSTHESIS**

Box Patent Application  
Assistant Commissioner for Patents  
Washington, D.C. 20231

**CERTIFICATE OF MAILING (37 C.F.R. 1.10)**

Sir:

I hereby certify that this Reissue Patent Application Transmittal, along with any paper referred to as being attached or enclosed, is being deposited with the United States Postal Service on the date shown below in an envelope as "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10, Mailing Label No. EL602996324US addressed to Box Patent Application, Assistant Director for Patents, Washington, D.C. 20231.

  
Bruce D. Gray

Date: February 2, 2001

KILPATRICK STOCKTON LLP  
Suite 2800, 1100 Peachtree Street  
Atlanta, Georgia 30309-4530  
(404) 815-6500